

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3218 OF 2005

Sitaram Popatrao Vetral ...Applicant

Vs.

The State of Maharashtra ...Respondent

Shri Arfan Saith appointed as Amicus Curie.

Shri A.S.Shitole, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 26, 2006.

P.C.:

1. Heard Shri Arfan Sait appointed as amicus curie. I have perused the affidavit dated 18th September, 2006 of Shri Pravin C. Patil, Additional Superintendent of Police, Pune (Rural) District Pune. In terms of order dated 11th September, 2006 passed by this Court, the said officer Shri P.C.Patil was personally present in the court. In paragraph No.2 of the affidavit filed by him, he has given reasons for his absence on earlier occasion. It is stated in the affidavit that he did not receive the communications issued by the office of the Public Prosecutor, High Court. The explanation given by the said officer deserves to be accepted and no further action is called for in that behalf.

2. The learned Advocate for the Petitioner has invited my attention to the allegations made in the Application of the Applicant which was sent through jail. He pointed out that the allegation in the Application is that the Applicant has been victimised by the police machinery. The learned A.P.P. has invited my attention to various averments made in the affidavit in reply and submitted that the grievance made in the Application is false and frivolous.

3. I have considered the submissions and I have also perused affidavit of Shri P.C.Patil. In paragraph No.4 of the affidavit he has stated that the Applicant is involved in a crime registered under the Maharashtra Control of Organised Crime Act, 1999 and the allegation against the Applicant is that he has formed a crime syndicate in Pune district. It is set out in paragraph No.7 of the affidavit that offence has been registered under the MCOC Act after seeking prior approval of the Special Inspector General of Police, Kolhapur as required under sub-section 1 of section 23 of the said Act. It is stated that after registration of the offence under the said Act, the Applicant was absconding and was arrested on 10th August, 2004. It is set out that after his arrest the Applicant was sent

for medical examination to Sasoon Hospital at Pune and after every 48 hours, he is being regularly sent for medical examination. It is stated that he was produced before the court of the learned Magistrate on various dates. The details of the cases registered against the Applicant have been set out in paragraph No.16 of the affidavit. In paragraph no.19 it is stated that sanction as required by sub-section 2 of section 23 of the said Act has been granted by the concerned Officer. It is stated that chargesheet is already filed in the court of the Special Judge. Lastly, it is set out that an Application was filed by the present Petitioner making similar allegations before the State Human Rights Commission and the said Application has been rejected.

4. Considering the averments made on oath, it is obvious that there is no substance in the grievances made by the Applicant in the Application forwarded through jail. Hence, the Application is rejected.

JUDGE